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II. BOOK REVIEWS.

COMMENTARIES ON THE LAW OF TORTS. A philosophic discussion of the general principles underlying civil wrongs *ex delicto*. In two volumes. By Edgar B. Kinkead. San Francisco: Bancroft-Whitney Company. 1903. pp. xxxi, 1-851; xv, 852-1739. 8vo.

The general conception of this work is most ambitious. It purports to be a statement and general discussion, from a logical and philosophical point of view, of all the principles of law comprised within the scope of its subject. The main plan of the volumes is excellent. First the author discusses fundamental doctrines and considers the classification of those legal rights which form the basis of this branch of the law; then he approaches the subject from the side of the person doing the tortious act, his status or position, and his relation to the injured person; and finally the writer deals in a very comprehensive way with the specific wrongs which constitute the vast number of actionable torts.

The introductory discussion and that dealing with the subject of fundamental rights is rather inadequate. It lacks the clearness and conciseness so necessary to a successful exposition of subjects of this character. The treatment, however, of the law of torts from the point of view of the actor and his relation to the injured person is the most satisfactory portion of the work and is of real value. The principles determining and defining the various specific torts are for the most part clearly settled, but the application of those principles to the varied, complex relations of our modern life and the effect upon them of the situation or status of the actor, are even yet often matters of considerable doubt or difficulty. It is in this field, in the reviewer's experience, that the tort problems of our present day practice are most frequently arising. Therefore the writer very wisely emphasizes this phase of his topic, and his treatment of it will be found most helpful and practical.

The whole work is most comprehensive in its scope, and, in outline at least, considers almost every problem in any wise directly related to the law of torts. It is, however, but a general summary, and though it presents an excellent general view of the whole subject, for the more detailed working out of any particular narrow question this book will be found to be but the starting-point. As this department has often been obliged to say before, the author has taken too large a subject to be able to do the most valuable work. If he had been content to devote himself solely to that portion of his topic dealing with the status and relations of persons, and had gone to the bottom of that subject, his real scholarship would have produced a work truly scientific and of much greater service. The book will, from its comprehensiveness, prove an excellent reference work, and its full citations of cases and other authorities will in a measure make up for the often rather meager discussion of the text. As in most recent publications, there is a long table of cases cited, but it seems at least doubtful whether this will be worth the labor expended in its compilation or the more than two hundred pages which it occupies. This time and space could, it would seem, have been more advantageously expended upon the index. That of this work, however, is of more than average excellence and renders the vast amount of material in the book quite readily accessible.

W. H. H.

THE AMERICAN LAW OF LANDLORD AND TENANT. By John N. Taylor. Ninth Edition. Revised by Henry F. Buswell. In two volumes. Boston: Little, Brown & Company. 1904. pp. cxv, 541; xv, 592. 8vo.

When a legal text-book has warranted conservative publishers to issue nine editions it is some evidence that the book is of considerable merit and is so recognized by the profession. This holds particularly true of Taylor's *Landlord and Tenant*. Since 1844, when the first edition was put forth in one